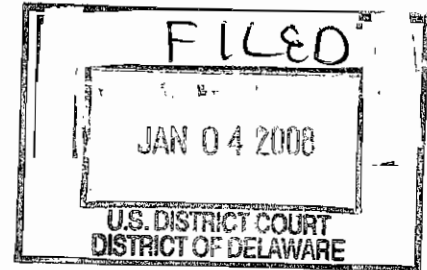


Dennis L. Smith
P.O. Box 311
Selbyville, Delaware 19975

December 14, 2007

Office of the Clerk
Ms. Marcia M. Waldron
United States Court of Appeals
for the Third Circuit
21400 United States Court House
601 Market Street
Philadelphia, PA 19106 - 1790
Certified -7007 0710 0000 2888 9245



BD scanned

Re: Mr. Dennis L. Smith vs. "Ex - Police Chief Guy D. Baynard" **Civil Case No.: 07 - 4516, --- D. C. No.: 98 - cv - 00639**. This is a response to the United States Court of Appeals' letter dated **December 7, 2007**, concerning **appellate jurisdiction** involving the **Corruption** of Federal **Judge Joseph J. Farnan Jr.**, and Attorney **Bruce C. Herron**, also as indicated in my "INTERLOCUTORY - APPEAL", -- NOTICE OF PROHIBITED OVERT - INTENTIONAL MANIFEST - INJUSTICE(S)...." **Filed on November 26, 2007**.

Dear Clerk Ms. Waldron.:

The summary below explains why and/or how this mentioned above referenced Interlocutory - Appeal is **RELEVANT** to this civil case No. 98 - 639 ---, bottom - line (JJF --- 28 U.S.C.A. § 144). See; Rational basis test, equal Justice under the law, **for all mankind**.

PLEASE TAKE NOTICE,

This, **Honorable Democracy** based wonderful - nation, that we call these United States of America, Here - under our unprecedented United States Constitution(s), 5th and 14th Amendment privilege of an United States citizen'(s), Inalienable unconditional privilege to Inalienable Due Process of Law. As well as Inalienable Equal access, to an Federally owned and operated United States Const., Art. III § 2. Federal Court(s), and thus, this is many times, that I am manifestly, directly stating (via) ultimate Prima Facie, chronological fact / facts, of the total illicit / unlawful but very obvious arbitrary and capricious total disregard of my legally forward autoptic / tangible legal document(s) in which his color of Law Judge Joseph J. Farnan Jr., 42 U.S.C.A. § 1983. § 1981(a), is totally patently violative and of express constitutional Prohibition(s), as a matter of Law. The constitution guarantees me, (Mr. Dennis L. Smith) Inalienable Equal Protection of the Law (s), also guarantees that I am to be treated with the same legal Equal justice as any **WHITE MAN**, again, 42 U.S.C.A. § 1981(a), but see Attorney Bruce C. Herron's illegal **MOTIVE and/or PLAN -- A, PLAN -- B and PLAN -- C cover - up / conspiracy** by Judge Joseph J. Farnan Jr., to illegally protect Attorney Bruce C. Herron from his **February 22, 2007 EXACT EVIDENCE BASED TAPE RECORDED FALSE STATEMENT**, see below.

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MOTIVE and/or PLAN -- A

-- Attorney Bruce C. Herron's

--- FALSE CLAIM / FRAUDULENT FOUNDATION for settlement ---

First of all, see my (Mr. Dennis L. Smith) Motion dated July 19, 2007 (**D. I. 143**) which CONTAINS, a beyond - prima facie demonstrative previously legally docketed EVIDENCE AUDIO CASSETTE TAPE RECORDING dated **February 22, 2007**, as **Exhibit A** and it's written support as **Exhibit B**, concerning an alleged Order GRANTED by Judge Joseph J. Farnan Jr. This Order was only verbally ALLEGED by Attorney Bruce C. Herron with no proof, and re - confirmed that Attorney Herron had no proof by Judge Joseph J. Farnan Jr's GRANTED JULY 5, 2007 Federal Court Clarification Orders (**D. I. 140**) and (**D. I. 141**), concerning this approximately NINE (9) years old, civil case No. 98 - 639 ---. Therefore, you will hear Attorney Bruce C. Herron, who CONFIRMED (*CERTAINTY/ NO DOUBT*) that the settlement FOUNDATION, which he CLAIMED, was ORDERED by Judge Joseph J. Farnan Jr., and I quote, "... but what **Judge Farnan has done**, he dismissed all claims EXCEPT for two (2); except for the two (2) relating to the arrest by Chief Baynard, so that's really, those are the only issues that are out there." (Mr. Dennis L. Smith) agreed - "**YES**" (Attorney Bruce C. Herron) confirmed, and I quote, "The **first one**, was the, ah the one in **NOVEMBER**, where you called about **parking**" (Mr. Dennis L. Smith) agreed - "**YES**" (Attorney Bruce C. Herron) confirmed, "**There are two (2) claims here, TWO (2) FALSE ARREST ...**" **but**, based on federal court records, on and before February 22, 2007, Attorney Bruce C. Herron was knowledgeable that Judge Joseph J. Farnan Jr., did not GRANT a written federal court ORDER, which included both, the November 15, 1996 false arrest Prima Facie Case and the continued Racial bias / Harassment **42 U.S.C.A. § 1981(a)**., See; December 14, 1996 false arrest. Clearly **Attorney Bruce C. Herron did not tell me**, (**Mr. Dennis L. Smith**) the **TRUTH**, according to the Federal United States District Court For The District Of Delaware's records. See Attorney Bruce C. Herron's motion for Summary Judgment-- documentary evidence (**D. I. 57**) and Judge Joseph J. Farnan Jr's Court Order -- documentary evidence (**D. I. 88**), in my "**INTERLOCUTORY - APPEAL**" as referenced above.

Therefore, Attorney Bruce C. Herron "Motive and/or Plan - A" as pointed out above, on February 22, 2007 was designed to fraudulently PACIFY / EXPLOIT me due to my RACE and BEING PRO SE (Mr. Dennis L. Smith), with a False Statement, to cause me to believe the UNTRUTH as mentioned above, concerning "**TWO (2) FALSE ARREST**", until I FIRST SAW Judge Joseph J. Farnan Jr's "**CLARIFICATION**" Order (**D. I. 140**) and his "**JUDGMENT ORDER**" (**D. I. 141**). Therefore, as indicated in the court's records, at first I believed that Judge Joseph J. Farnan Jr, deceitfully, did not include my (Mr. Dennis L. Smith) November 15, 1996 false arrest Prima Facie Case and it's supporting EVIDENCE E20 video tape, in his Court Orders as just mentioned, based on the fact that I believed Attorney Bruce C. Herron's

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False Settlement Foundation / Statement, **but at the same time**, based on court's records, Attorney Bruce C. Herron already knew that **INITIALLY** Judge Joseph J. Farnan Jr., **did not** illegally cover-up this November 15, 1996 false arrest. Also, Attorney Bruce C. Herron knew that Judge Joseph J. Farnan Jr.'s "**CLARIFICATION**" Order (**D. I. 140**) and his "**JUDGMENT ORDER**" (**D. I. 141**) **was based on court's records as the records will show**. Attorney Bruce C. Herron simply had me (Mr. Dennis L. Smith) believing a **LIE**, while continuing with this approximately Nine (9) years old civil case of **no Justice** for me, a (Black Man) **42 U.S.C.A. § 1981(a)**. This case must be immediately expedited to; legally enforce the expeditious administration of Justice, see also **28 U.S.C.A. § 1657**.

Point of fact; so-called incumbent officer of the court, integrity and moral(s), Attorney Bruce C. Herron, had heretofore (via) **INTRINSIC FRAUD**, prohibited mean(s), portrayed to my person at length(s) in multiple communication(s) (via) letter and **VERBAL**. That gravamen his **illicit, stealth – Hoodwinking overreaching, malice aforethought-like overt deception**, Attorney Bruce C. Herron attempted for his **own, personal gain**, and **superficial image**. Attorney Bruce C. Herron did:

{a}. Attempted, repeatedly to compel my person to believe, that there were two false arrest claims, prior to Judge Joseph J. Farnan Jr.'s **deceitful cover - up** Memorandum Order dated October 31, 2007 as indicated in this document. In which was a total violation of my inalienable – libertie(s), to have been treated **UNEQUAL**, under the law, and as second or third notice of the fact that **INTRINSIC FRAUD** would have inculpated all adversaries legally commingled. See; **42 U.S.C.A. § 1985(3) § 1981(a)**.

At this point in time, without truth and proof as mentioned above, Attorney Bruce C. Herron **did not** ASSUME ("ASSUMPTION") but, **UNTRUTHFULLY "CONFIRMS"** two (2) false arrest, one of them **specifically** being the **November 15, 1996 false arrest Prima Facie Case**, this is a **shame**.

Furthermore, **False Statement(s)**, are therein Attorney Bruce C. Herron's Summary Judgment (**D. I. 57**) and/or its opening brief in support (**D. I. 58**), therefore, this **November 15, 1996 false arrest Prima Facie Case**, first of all, was wrongfully a part of Attorney Herron's summary judgment, based on the **E20 video tape**. Attorney Bruce C. Herron's designed a written **UNTRUTHFUL** Summary Judgment and cheated / **swindle me** out of this **November 15, 1996 false arrest Prima Facie Case**.

Conclusion of "MOTIVE and/or PLAN – A", If I (Mr. Dennis L. Smith) settled at this point in time, therefore Attorney Bruce C. Herron, would have tricked me into settlement for only the December 14, 1996 false arrest, **based on Federal court records, of true sequence**, while at the same time I would be believing the **LIE** that I was settling for the

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November 15, 1996 false arrest also, **If it worked**. This is Obloquy / Disgrace to Justice.
Please see; **Scienter**

PLAN -- B

--- FRAUD ON COURT, IF WE HAD WENT TO TRIAL / COURT ---

Attorney Bruce C. Herron knew, IF I, (Mr. Dennis L. Smith) **DID NOT ACCEPT** his / the prestigious Ms. Dianna L. Mondeau of Scottsdale **Insurance Company's SETTLEMENT OFFER**, which I (Mr. Dennis L. Smith) was **LEAD UNTRUTHFULLY**, to believed to be based on the November 15, 1996 false arrest **Prima Facie Case** and the continued Racial bias / Harassment **42 U.S.C.A. § 1981(a)**, See; December 14, 1996 false arrest. Therefore, WE WOULD GO TO TRIAL / COURT BASED on the Federal Court's recorded records of **ONLY** THE December 14, 1996 false arrest **issues**. Also, I would have been truly unconstitutionally prejudiced and my inalienable **DUE PROCESS** privilege involuntarily sacrificed (via) **42 U.S.C.A. § 1985(3)**. See Judge Joseph J. Farnan Jr's **documentary evidence of his court's Orders below, for proof (a) and (b):**

--- FEBRUARY 9, 2004 ---

{a}. Judge Joseph J. Farnan Jr's Federal **Court Order** was filed on February 9, 2004 (**D.I. 88**) confirmed **only** the December 14, 1996 false arrest **issues**. **Keep in mind, Attorney Bruce C. Herron's Summary Judgment (D.I. 57) "REQUEST"**.

--- JULY 5, 2007 ---

{b}. Judge Joseph J. Farnan Jr's Federal Court **"CLARIFICATION"** Order (**D.I. 140**) and his **"JUDGMENT ORDER"** (**D.I. 141**), both was filed on July 5, 2007, which clearly clarified and confirmed **only** the December 14, 1996 false arrest and clarified and confirmed Judge Joseph J. Farnan Jr's Federal Court Order, which was filed on February 9, 2004 (**D.I. 88**) **TO MEAN THE SAME**.

Attorney Bruce C. Herron requested that Judge Joseph J. Farnan Jr., **Clarify** his Federal Court Order (**D.I. 88**). Therefore, Judge Joseph J. Farnan Jr., in his Federal Court Orders (**D.I. 140**) and/or (**D.I. 141**), **GRANTED** and **CLARIFIED** Attorney Bruce C. Herron's **Clarification Request** to mean **as** follows, and I quote, "... Motion For Summary Judgment (D.I. 57) as to **all** of Plaintiff's claims **except** for Plaintiff's **false arrest claim** pursuant to **42 U.S.C. § 1983** against Defendant Baynard relating to the incidents of **December 14, 1996;...**" Clearly, Judge Joseph J. Farnan Jr's Clarification Order means what it means, which is **ONLY** the December 14, 1996 false arrest **issues**, based on the Federal Court's recorded records.

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Conclusion, of "PLAN -- B", at this point in time, if Attorney Bruce C. Herron and I, (Mr. Dennis L. Smith) went to TRIAL / COURT, therefore it would have been for only the December 14, 1996 false arrest, as the above court's records proves and only allowed If, we went to Trial / Court. ----- Please see; Scienter

--- FURTHER FALSE STATEMENTS ISSUES ---
Attorney Bruce C. Herron's FALSE STATEMENTS to deceive this FEDERAL COURT, which can be found in Attorney Bruce C. Herron's Summary Judgment (D. I. 57) and/or (D. I. 58), which was GRANTED by Judge Joseph J. Farnan Jr., See ---- 1 and 2 below

Prima Facie Case

1. **FOR THE TRUTH**, first of all, see the **E20 Evidences Video tape** recording, which will prove the following: On **November 9, 1996** the Town of Frankford's Ex - police Chief Guy D. Baynard **did** **UNEQUIVOCALLY observe** parking violation(s) upon his arrival and upon his departure at Shockley Street, but **LIED** in his **falsified written so-called Criminal Investigation Report, A - 18**. Therefore, Ex - police Chief Guy D. Baynard, willfully, illegally, falsely accused and arrested Plaintiff (Mr. Dennis L. Smith), for "**Falsely Reporting an Incident**" / "**FALSE STATEMENTS**" approximately **six (6) days later on November 15, 1996**. What a **OBLOQUY**; true vexatious **racism**.

---- VS. ----

FOR THE LIE, Attorney Bruce C. Herron's **False Statement** in his (D. I. 58) Defendant's Opening Brief In Support Of Their Motion For Summary Judgment, and I quote, "(November 9, 1996 Town of Frankford Criminal Investigation Report, A - 18) ... Baynard **did not observe any parking violations** upon his arrival at Shockley Street. (A - 18)." **This False Statement of this White Male, who is Attorney Bruce C. Herron's, is a clear lie / falsehood and a disgrace to the Honorable CONSTITUTION OF THE UNITED STATES. Attorney Bruce C. Herron is knowledgeable of this mentioned above E20 Evidence video tape, which contains the truth and proof. ----- Please see; Scienter.**

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**The continued Racial bias / Harassment and 42 U.S.C.A. § 1981(a),
Inexorable Case, See; December 14, 1996 false arrest**

2. FOR THE TRUTH, first of all, see the **E20 Evidences Video tape** recording, which will prove the following: Again, only approximately one month later, on December 14, 1996 Ex – police Chief Guy D. Baynard did falsely arrest Plaintiff (Mr. Dennis L. Smith), for speeding and after I refused to sign his ticket Ex – Chief Baynard he added failure to stop on command. **Only the State Police transported Smith to JP. Court No. 3 for arraignment, because I could not trust the next step of this heretofore corrupt so – called Ex - Chief of Police Guy D. Baynard.**

---- VS. ----

FOR THE LIE, see Attorney Bruce C. Herron's False Statement in his (D. I. 58) Defendant's Opening Brief In Support Of Their Motion For Summary Judgment, and I quote, "... **Baynard transported Smith** to J.P. Court No. 3 for arraignment." **This False Statement of Attonrey Bruce C. Herron's, is a clear lie / falsehood and a shame** to the CONSTITUTIONAL OF THE UNITED STATES. *Attorney Bruce C. Herron is knowledgeable of this mentioned above E20 Evidence video tape, which contains the truth and proof.* --- Please see; *Scienter*

PLAN -- C

FIRST OF ALL, see the details of ATTORNEY BRUCE C. HERRON'S MOTIVE and/or PLAN A, on page two (2) AS MENTIONED ABOVE. Therefore, before this February 22, 2007 Tape recording, Attorney Bruce C. Herron's deceitfully and illegally had this November 15, 1996 false arrest Prima Facie Case dismissed in his deceitful and illegal Summary Judgment (D. I. 57) and (D. I. 58), but now after this Tape recording have been EXPOSED for the **first time on July 19, 2007**, after Judge Joseph J. Farnan Jr's D. I. 140 Order and his D. I. 141 Judgment Order, therefore Judge Joseph J. Farnan Jr., is **illegally covering – up for Attorney Bruce C. Herron** in his Memorandum Order dated October 31, 2007 (D. I. 156) see below:

**DECEITFUL ARRANGEMENT OF RECORDED FEDERAL RECORDS,
WHICH LEADS TO FALSEHOOD, CONSPIRACY AND DECEIT BELOW:**

Concerning Judge Joseph J. Farnan Jr's July 5, 2007 (D. I. 140) Clarification Order as indicated in his Memorandum Order dated October 31, 2007 (D. I. 156), on page 2, and I

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quote, "... Plaintiff is concerned that the Court's July 5, 2007 Clarification Order had the effect of dismissing one of his false arrest claims against Defendant Baynard, specifically, his claim based on the November 15, 1996 arrest. (See D. I. 155.) The Court's Clarification Order **was not INTENDED TO LIMIT** Plaintiff's false arrest claims against Defendant Baynard, and the Court's reference to the "false arrest claim" in the **SINGULAR** was meant to embrace the totality of his claims including the allegations related to both the November 15, 1996 arrest and the December 14, 1996 arrest. Indeed, the latest Proposed Pretrial Order filed by Defendant Baynard in this case reflects the understanding that Plaintiff is proceeding against Defendant Baynard on two false arrest claims stemming from two separate incidents.

To the extent Defendant renewed his **request** for summary judgment regarding the November 15, 1996 arrest, the Court concludes that Defendant is not entitled to summary judgment. Defendant renewed his request for summary judgment by letter (D. I. 93) without the filing of any subsequent briefing. However, it appears from the **Pretrial Order (filed on June 5, 2006 D.I. 111)**, that the question presented with regard to the November 15, 1996 arrest is whether the claim should be dismissed because Defendant Baynard obtained a warrant for Plaintiff's arrest from an independent judicial officer, i. e. an immunity argument. (See D. I. 58 at 9.) (**D.I. 58 was filed on October 5, 2000**) In this Original Motion For Summary Judgment, Defendant directed the Court to Malley v. Briggs , 475 U. S. 335 (1986) , for the proposition that Defendant was immune from suit because he obtained an independent judicial warrant. However, Malley does not stand for that proposition. In Malley , the Supreme Court concluded that an officer is not entitled to qualified immunity on the sole basis that a judicial officer issued a warrant. Rather , the question is whether a **reasonably well – trained officer** in the position of the defendant would have known that **his affidavit failed to establish probable cause** , and therefore , **he should not have applied for a warrant in the first place.**"

Also, Judge Joseph J. Farnan Jr., stated and I quote, " In sum, this case is proceeding to trial on two claims of false arrest pursuant to **42 U.S.C. § 1983** and the **common law** based on two alleged incidents of false arrest, **one on November 15, 1996 arrest** and the **other on December 14, 1996.**"

Note: Keep in mind, as the court records will show concerning civil case No. 98 – 639: Attorney Bruce C. Herron willfully and deceitfully made my **November 15, 1996 false arrest Prima Facie Case** a part of his Summary Judgment **REQUEST** (D. I. 57 and D. I. 58 for **dismissal**), which was **GRANTED** by Judge Joseph J. Farnan Jr., in his Order (D. I. 88). On or about **July 19, 2007** Attorney Bruce C. Herron and Judge Joseph J. Farnan Jr., for the first time was **EXPOSED** to my Motion (**D. I. 143**). This Motion **enclosed** an audio tape recording of Attorney Bruce C. Herron, who deceitfully **CONFIRMED** two false arrest for a deceitful **settlement foundation** on February 22, 2007, while at the same time knowing that his statement was false, based on court

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records. Therefore, Judge Joseph J. Farnan Jr., put this November 15, 1996 false arrest **Prima Facie Case** back into this civil case, in the favor of me (Plaintiff) by **deceit to cover – up** for Attorney Bruce C. Herron's **FALSE RECORDED STATEMENT** (D. I. 156). Also for **deceit / cover - up**, in Attorney Bruce C. Herron's letter dated November 13, 2007 he stated and I quote, "... our evaluation of the case was based on the **ASSUMPTION** that **both** arrests would proceed to trial."

Deceitful Conclusion --- **"TWO (2) FALSE ARREST "**
 Please see; **Scienter**

ABOVE
 ---- VS. ----
 BELOW

**RELEVANT / SUMMARY SEQUENCE, WHICH LEADS TO THE TRUTH
 BELOW:**

(D. I. 57) Attorney Bruce C. Herron's **requested** Summary Judgment for **all**, Plaintiff's claims, **except** for the December 14, 1996 false arrest. -- **next in relevant / summary sequence** -- (D. I. 58) Attorney Bruce C. Herron's Opening Brief **Supported** his Summary Judgment, and I quote, "For the reasons stated above, defendants respectfully request that the Court enter summary judgment on their behalf **as to all** of plaintiff's claims **EXCEPT** the 42 U.S.C. § 1983 claim for false arrest against Defendant Baynard relating to the December 14, 1996 incident." -- **next in relevant / summary sequence** -- (D. I. 88) Therefore, Judge Joseph J. Farnan Jr., stated and I quote, "Defendants' Motion For Summary Judgment (D. I. 57) is **GRANTED** with the exception of **Count II, False Arrest.**" Note: This **Count II and/or Charge II** False Arrest simply means what it means, **except** for the December 14, 1996 false arrest, also **as** Attorney Bruce C. Herron **REQUESTED** in his **D.I. 57** and **D.I. 58**. -- **next in relevant / summary sequence** -- (D. I. 93) In this letter of Attorney Bruce C. Herron's, he stated **deceitfully** and I quote, "Defendant's motion with respect to the November 16, 1996 arrest is still pending." This does not makes sense, because the November 15, 1996 false arrest was already, **dismissed** with Attorney Herron's **deceitful** and **illegal** Summary Judgment, which was **GRANTED** by Judge Joseph J. Farnan Jr., in his **PAST D.I. 88 Order**, furthermore to be clear, this letter D. I. 93 came **after** this Judge's **Order D.I. 88**. -- **next in relevant / summary sequence** -- (D. I. 111) **After** Attorney Bruce C. Herron's **D.I. 93** letter, Attorney Bruce C. Herron in his PROPOSED PRE – TRIAL ORDER on page No. 5 section 13, **deceitfully** stated and I quote, "**It is unclear** whether the Court's decision applies only to the December 14, 1996 arrest for **speeding and failure to stop on command and ...**" *AGAIN, this November 15, 1996 false arrest was already, illegally a apart of Judge Joseph J. Farnan Jr's D. I. 88 Order*, -- **next in relevant / summary sequence** -- (D. I. 133) Attorney Bruce C. Herron in this/his **Clarification REQUEST**

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filed on May 5, 2007 stated and I quote, “ On October 5, 2000 defendants Guy D. Baynard, Frankford Police Department and Town Council members Kay A. Olmstead, Jessie Truit, Albert Oliver, Steven C. Brought, Kenneth Lynch, Thomas Esender and Theodore Elser moved for Summary Judgment at to all claims against all defendants except for the 42 U.S.C. § 1983 false arrest claim against defendant Guy D. Baynard related to plaintiff's December 14, 1996 arrest.” Therefore, (D. I. 140 and/or D. I. 141) as REQUESTED Judge Joseph J. Farnan Jr., Clarified and Confirmed his D. I. 88 Order filed on February 9, 2004 to mean the same as D. I. 140 Order, and I quote, “ WHEREAS, on May 16, 2007, Defendant Guy D. Baynard filed a Motion For Clarification of The Court's February 9, 2004 Order, Requesting that the Court clarify its Order and dismiss all claims except the false arrest claim against Defendant Baynard (D. I. 133); WHEREAS, the Court understands that its February 9, 2004, Order (D. I. 88) GRANTED the Defendant's Motion For Summary Judgment (D. I. 57) as to all of Plaintiff's claims except for Plaintiff's false arrest claim made pursuant to 42 U.S.C § 1983 against Defendant Baynard relating to the incidents of December 14, 1996;... .”. Also, Judge Joseph J. Farnan Jr., Clarified and Confirmed his D. I. 88 Order filed on February 9, 2004 to mean the same as D. I. 141 Judgmet Order, and I quote, “ At Wilmington, this 5 day of July 2007, in accordance with the Court's February 9, 2004 Order (D. I. 88). IT IS ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of Defendants Frankford Police Department, Kay A. Olmstead, Jesse Truitt, Albert Oliver, Steven C. Brought, Kenneth Lynch, Thomas W. Esender, and Theodore Elser, and against Plaintiff on all of Plaintiff's claims, with the exception of Plaintiff's false arrest claim made pursuant to 42 U.S.C § 1983 against Defendant Guy D. Baynard relating to the incidents of December 14, 1996.” (Note: This word “ incidents ” means “ speeding and failure to stop on command ”)

Truthful Conclusion --- “ ONE (1) FALSE ARREST ”



Based on Federal Court's Recorded Records as mentioned above, Attorney Bruce C. Herron and/or Ms. Dianna L. Mondeau of Scottsdale Insurance Company's as Professionals knew that their SETTLEMENT OFFER, was truly based on Federal Court's Records as just mentioned above, confirming one (1) False Arrest.

--- ALSO ---

Attorney Bruce C. Herron's and Judge Joseph J. Farnan Jr's illegal acts are not of the Honorable Democracy, but unconstitutional and a conspiracy. This is a SHAME, and when will this kind of hate / deceit stop ? ----- Please see; Scienter

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I, (Mr. Dennis L. Smith) have been intentionally, wrongfully denied my Inalienable Equally – Protected Constitutional rights by Attorney Bruce C. Herron, Judge Joseph J. Farnan Jr and all responsible parties involved in this civil case No. 98 – 639 ---. This a shame and a manifest – Injustice. Hereunder; 42 U.S.C. A. § 1985(3).

Please Take Legal Notice;

The bottom –line is, this case was **also** initially filed hereunder, **TWO false arrest bona fide** claims. So why did adversary **questionable** counsel, and the notorious U.S. Dist. Of Del., JJF **Obstruct Justice** ? As a matter of court record(s), **this Judge** did unconstitutionally, wrongfully (via) **PLAIN ERROR before February 22, 2007** tape recording of Attorney Bruce C. Herron's **False --- Settlement Foundation Statement DISMISSED** the November 15, 1996 false arrest **Prima Facie Case**. In which was just here recently **RE – INSERTED** questionably due to the heat / truth was on; See Exhibits “ A ” and “ B ” of Court record (D.I. 143), as will as legal pressure of still standing / viable **28 U.S.C.A. § 144 § 1331**. in which is also, legally **PENDENTE LITE** in the Honorable; U.S. Third Circuit of Appeals. See; docket No. 07 – 4516, as a matter of law.

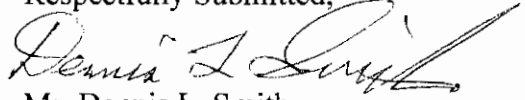
Furthermore; the past and present vexatious **PROLIXITY**, unjust issuable delay based Statement(s) of Bruce C. Herron in conjunction Herewith the Heretofore Ex – police Chief Guy D. Baynard, who was **INVESTIGATED** by the Honorable Wilmington, Delaware

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Department of Justice. Therefore, this Department of Justice, in their MEMORANDUM dated February 4, 1998 stated and I quote, "... Guy D. Baynard is **not qualified** to be a police officer in this State." Also, stated and I quote, "... a letter be written by Director Stanley Friedman to the Police Chief's Council to have Guy Baynard **decertified** so that he cannot be a police officer in this State **again**."

ILLEGAL -- RACE -- HATERED, against a Black Man, **INITIATED** by the **Town of Frankford's Council Members** and/or their **Ex - Chief of Police Guy D. Baynard** and all who joined in High places, which clearly can be confirmed by court records as indicated in this document.

Respectfully Submitted,


Mr. Dennis L. Smith

Cc: **Attorney Bruce C. Herron**
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 Akin & Herron
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**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

DENNIS L. SMITH

C.A. No. 07 - 4516

Interlocutory – Appellant,

vs.

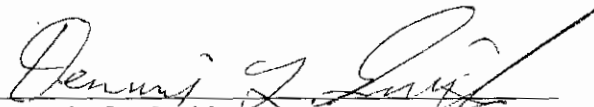
EX – POLICE CHIEF GUY D.
BAYNARD, INDIVIDUALLY AND AS
AGENT OF FRANKFORD TOWNSHIP,
et al.,

Interlocutory – Appellee(s)

AFFIDAVIT OF DENNIS L. SMITH

STATES OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

The, preceding - indelible truthful – statement(s) in my **LETTER dated December 14, 2007 concerning my Interlocutory – Appeal** are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here-with / Here – under; **28 U.S.C.A. § 1746**, and **18 U.S.C.A. § 1621**.


Dennis L. Smith

December 27 2007
Date

CERTIFICATE OF SERVICE

I hereby certify that the original and three copies my **LETTER dated December 14, 2007 concerning my Interlocutory – Appeal** have been certified mailed or hand delivered on this 27 day of December 2007, to the United States Court of Appeals, Thrid Circuit defendants' counsel and the following addresses:

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